

**EXHIBIT 1  
CITY OF MILL CREEK  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

**STAFF REPORT  
TO THE CITY OF MILL CREEK HEARING EXAMINER**

**PART I - SUMMARY INFORMATION**

**HEARING DATE:** November 16, 2015

**NAME OF PROJECT:** Harms Estate Preliminary Plat/Planned Area Development  
File No. PP 15-67

**PROPERTY OWNER/  
APPLICANT:** Harbour Homes LLC  
1441 North 34<sup>th</sup> Street Suite 200  
Seattle, Washington 98103

**LOCATION:** The site is located at 3601 Seattle Hill Road in the City of Mill Creek. See **Attachment A – Vicinity Map.**

**REQUESTED ACTION:** The requested action is consideration of the Harms Estate Preliminary Plat/Planned Area Development application to subdivide 7.13 acres into 28 lots for single-family home development located in the Low Density Residential zone district. Other tracts to be owned in common are also proposed to accommodate required drainage facilities, open space, access to lots, critical area protection, and roadway buffers. Access to the proposed development will be via an existing road stub-out located on the east side of 35<sup>th</sup> Avenue SE at 149<sup>th</sup> Place SE. There is one wetland located in the southwest corner of the site and two off-site wetlands located near the northeast corner of the site. Per Mill Creek Municipal Code Section 16.12.040, the applicant has requested modifications to the minimum lot sizes and building setbacks. See **Attachment B – Preliminary Plat Map.**

**COMPREHENSIVE  
PLAN DESIGNATION:** Low Density Residential (LDR)

**ZONING DISTRICT:** Low Density Residential (LDR)

**LEGAL DESCRIPTION:** See **Attachment C – Legal Description.**

**PART II - STATUTORY REQUIREMENTS**

**SEPA COMPLIANCE:**

The proposed project is subject to the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 of the Mill Creek Municipal Code (MCMC). The City's SEPA Official has

determined that the proposal does not have a probable significant adverse impact on the environment. Therefore, an Environmental Impact Statement (EIS) was not required.

On October 22, 2015, a Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation were issued for the proposal. The MDNS identifies measures necessary to mitigate impacts on specific elements of the environment that may be affected by the proposal, including earth, air, water, plants, animals, environmental health, transportation, and public services. These measures have also been incorporated in the staff recommended Conditions of Approval as appropriate, contained in Part V of this report.

#### **PUBLIC NOTICE:**

Pursuant to Section 14.07.030 MCMC, notice of public hearing was mailed on November 5, 2015, directly to property owners of record within 500 feet of the proposed project and posted on the site on November 5, 2015. Notice of public hearing was published in the *Everett Herald* on November 4, 2015. (See the project file for a copy of the Affidavits of Publishing, Posting and Mailing.) All legal requirements for public notice have been satisfied.

### **PART III - BACKGROUND INFORMATION**

#### **EXISTING SITE CHARACTERISTICS:**

The site is 7.13 acres and includes two existing single-family residences and various outbuildings. Portions of the property have been used as pasture and other agricultural purposes within the past 25 years. There is one 4,712 square foot wetland (Wetland A) located in the southwest corner of the site and two off-site wetlands (Wetlands B and C) located near the northeast corner of the site. The off-site wetlands have overlapping buffers that extend onto the subject property. The site gently slopes to the east.

#### **SURROUNDING ZONING AND LAND USES:**

##### **Description of surrounding zoning and existing land uses are as follows:**

- ❑ The property to the north and northwest of the site is zoned *Low Density Residential (LDR)*. The property is developed with single-family residences in the plat of Stonehedge.
- ❑ The properties to the west and southwest of the site are zoned *Neighborhood Business (NB)*. The property immediately west of the site is vacant and undeveloped. The property adjacent to the southwest corner of the site includes the Tri-Way Grange Hall.
- ❑ The property to the south, across Seattle Hill Road, is located in unincorporated Snohomish County and is zoned *Urban Low Density Residential (ULDR)*. The property is developed with single-family residences in the plats of Remlinger Park and Shaunessy.

- The property to the east is zoned *Low Density Residential (LDR)*. The property is developed with a single-family residence and outbuildings.

### **Summary of other pending development proposals in the area:**

There are no pending land use development proposals nearby.

### **OTHER AGENCIES WITH JURISDICTION:**

The proposed development is within the Silver Lake Water and Sewer District, the Everett School District, and the Snohomish County Public Utility District No. 1 (PUD). The City contracts for fire protection and emergency medical services from Snohomish County Fire Protection District No. 7. The City has adopted separate interlocal agreements with Snohomish County (transportation issues), Snohomish County Fire Protection District No. 7, and the Everett School District regarding the joint review, comment, and imposition of appropriate mitigation and conditions on development proposed within the City.

Once an application is deemed complete, the City holds a Technical Review Committee meeting to solicit comments from agencies with jurisdiction and other interested parties. Through this process, the application was distributed to numerous entities including Snohomish County (Public Works), Fire District No. 7, the Everett School District, Silver Lake Water and Sewer District, and the PUD. Comments are also solicited as part of the SEPA review process. The comments/requirements submitted by these agencies are in the project file and are summarized later in this report and are included, as applicable, in the recommended Conditions of Approval.

## **PART IV – PROJECT ANALYSIS**

### **DEVELOPMENT REVIEW PROCESS AND SITE DESIGN:**

#### **Development Review Process**

The proposal is being processed in conformance with the provisions contained in Title 14 (Development Code Administration), Title 15 (Building and Construction) Title 16 (Subdivisions and Plats), Title 17 (Zoning), and Title 18 (Environment) of the Mill Creek Municipal Code (MCMC). The project must be consistent with the applicable development regulations and the Design Standards. A matrix evaluating the project's consistency with the requirements is included within this staff report.

The proposed development is also subject to the City's Comprehensive Plan policies. Applicable policies include Land Use, Capital Facilities, Utilities, Transportation, Environmental and Parks and Open Space. A matrix evaluating the project's consistency with the applicable policies is included within this report.

## Site Design

### General Description:

The proposal is a Preliminary Plat/Planned Area Development to subdivide 7.13 acres into 28 lots for single-family home development. The proposal must be consistent with the maximum density of the Comprehensive Plan and the minimum and maximum densities of the Development Regulations:

- Using the *gross* site area of 310,617 square feet multiplied by 4 dwelling units per acre, up to 28.5 dwelling units are allowed.
- Using the *net* site area of 249,703 square feet (*less dedication of 20% unbuildable land*) divided by the minimum lot size of the zone district (8,400 square feet), up to 29 dwelling units are allowed.

With 28 dwelling units proposed at a density of 4 dwelling units per acre, the development is consistent with both the Comprehensive Plan and the Development Regulations density requirements.

### Requested Modifications and Consistency with Planned Area Development Purpose

Pursuant to MCMC Section 16.12.040, the applicant has requested a reduction of minimum lot size and building setbacks. Modifications to zoning code requirements are permissible through the Planned Area Development (PAD) process if it can be demonstrated that the modifications further the expressed interest of the Planned Area Development chapter as established in MCMC Section 16.12.020, PAD Purpose.

### *Purpose of Planned Area Development*

The purpose of the Planned Area Development Chapter 16.12 includes but is not limited to the following:

- A. To allow for creative development equal to or superior to traditional lot-by-lot development.
- B. To preserve open space, natural vegetation, watercourses, wetlands, historic buildings and places, and other community values.
- C. To provide more efficient street and utility systems and retain existing vegetation by clustering buildings.
- D. To provide for a variety of housing types in one development with architectural design compatibility.
- E. To provide integrated landscape development.
- F. To provide for the integration of new development into the existing community while protecting and preserving the values of the surrounding neighborhood.
- G. To provide for the site planning and regulation of nonresidential sites not requiring a subdivision for development.
- H. To manage stormwater through a land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic conditions.

- I. To minimize impervious surfaces and effective impervious surfaces.
- J. To encourage infiltration as a preferred method of stormwater drainage, when feasible.
- K. To encourage development of residential environments that are harmonious with on-site and off-site natural and built environments.
- L. To further the goals and the implementation of the policies of the comprehensive plan.

*Requested Modification: Reduced Minimum Lot Size*

The applicant has requested a minimum lot size of 4,175 square feet in lieu of 8,400 square feet. For comparison, listed below are the lot sizes for several nearby single-family residential neighborhoods that are also zoned LDR, Webster’s Pond, Stonehedge, and Seattle Ridge, along with the proposed lot size information for Harms Estate.

Neighborhood	Lot Sizes
Webster’s Pond	3,938 sq. ft. minimum 4,786 sq. ft. average 8,677 sq. ft. maximum
Stonehedge	6,000 sq. ft. minimum 6,255 sq. ft. average 10,405 sq. ft. maximum
Seattle Ridge - Approved but not yet developed	4,009 sq. ft. minimum 4,650 sq. ft. average 7,341 sq. ft. maximum
Harms Estate– Proposed	4,175 sq. ft. minimum 5,209 sq. ft. average 9,248 sq. ft. maximum

*Requested Modification: Reduced Building Setbacks*

	Code Requirement:	Proposal:
Front yard	20 feet	20 feet for the garage side of the lot and 10 feet on the non-garage side of corner lots
Side yard	20 feet total; no side less than 5 feet	10 feet total; no side less than 5 feet
Rear yard	20 feet	10 feet for Lots 1 and 2; 15 feet for Lots 3-28

*Staff Analysis of Consistency with Planned Area Development Purpose*

Staff supports the minimum lot size and setback modifications as requested by the applicant. As proposed and if approved, the requested modifications further the Planned Area Development (PAD) purposes as follows:

- The proposed reduced lot sizes are comparable to the nearby single-family developments. Smaller lot sizes have been permitted within the City of Mill Creek to encourage the

provision of additional common and/or open space. Reduced lot sizes are necessary to meet density targets established in the Comprehensive Plan. (Supports PAD Purposes A, B, F, L)

- Reduced lot size allows additional open space beyond the required 50-foot wide roadway buffer. Preservation of open space reduces impervious surface. The proposal provides approximately 15,000 square feet of common open space and 88,000 square feet of wetland and/or buffer native growth protection area and tree retention/preservation area. (Supports PAD Purposes B, C, I)
- The tree preservation tract (Tract 998, the wetland, NGPA and tree retention tract) in the northeast corner of the site provides nearly 10,000 square feet of protected open space above and beyond the required critical area buffer and beyond what would be required if the plat were not reviewed as a Planned Area Development. Preservation of approximately 35-40 significant trees within Tract 998 protects a stand of trees that is an asset to the surrounding community and also retains the natural understory vegetation. (Supports PAD Purposes B, C, E, F, K)
- Reduced setbacks allow flexibility in home type and design while maintaining 35% lot coverage. The requested building setback reductions are consistent with the approved setbacks in the adjacent neighborhoods. Reduced setbacks allow integration of new development similar to type and value of surrounding development. (Supports PAD Purposes A, D, F)
- The proposed modifications further the goals and the implementation of the policies of the comprehensive land use plan, including meeting density targets for the land use zone and providing a roadway buffer consistent with the Plan's Streetscape Element. (Supports PAD Purpose L)

#### Access and Traffic Circulation

A new public roadway will be constructed for access to the proposed development from an existing road stub at 149<sup>th</sup> Place SE on the east side of 35<sup>th</sup> Avenue SE. The road will have a cul-de-sac at the end for vehicular turnaround, and will be designed in accordance with MCMC 16.02.160. The development will not take access from Seattle Hill Road in order to minimize new access points on an arterial roadway in accordance with the Comprehensive Plan.

#### Parking

The proposal provides parking throughout the site in garages, driveways, and on the public road where feasible. Per MCMC Section 17.27.020, Off-street Parking and Requirements, single-family dwellings shall have two spaces per dwelling unit. As proposed, each unit has four off-street parking spaces, two in the garage and two in the driveway.

#### Open Space and Seattle Hill Road Buffer Landscaping

The proposal includes the following open space tracts:

- Tract 993 will be an open space area.
- Tract 994 will include the on-site Wetland A and wetland buffer in a permanent Native Growth Protection Area.

- Tract 996 will be a 50-foot wide vegetated roadway buffer with sidewalk adjacent to Seattle Hill Road.
- Tract 997 will be designated as a storm drainage/open space tract.
- Tract 998 will include the Wetland B and C wetland buffers in a permanent Native Growth Protection Area and serves as a tree retention area.
- Tract 999 will be a storm drainage vault under an open space area, which will include a play structure, picnic table and benches.

A 50-foot residential roadway buffer (Tract 996) is required adjacent to Seattle Hill Road. The roadway buffer is proposed to be landscaped as shown on the Preliminary Landscape Plan (sheet L-1) in the project file.

#### Internal Site Landscaping

Street trees will be provided along the public street as shown on the Preliminary Landscape Plan.

#### Design Review Board Review Required

As required by City Code and included as a Condition of Approval, all proposed landscaping (except on private lots) is required to be submitted to the City's Design Review Board for review and approval for consistency with the Design Standards in MCMC Chapter 17.34 prior to Final Plat Approval.

#### Wetlands

There is one 4,712 square foot wetland (Wetland A) located in the southwest corner of the site and two off-site wetlands (Wetlands B and C) located near the northeast corner of the site. The off-site wetlands have overlapping buffers that extend onto the subject property. The wetlands identified contained indicators of wetland hydrology, hydric soils, and a predominance of hydrophytic vegetation. Wetland A (Category III) is a Palustrine Scrub-Shrub, Seasonally Flooded wetland. Off-site Wetlands B and C are Palustrine, Scrub-Shrub, Saturated wetlands and rated as Category IV and Category III, respectively.

Wetland A will provide stormwater retention and treatment functions for a small amount of adjacent non-pollution generating impervious surface (e.g. roof runoff). However, these functions are limited due to the small size of the wetland and lack of surface connectivity to natural and/or man-made conveyances. There is native vegetation within the buffer, but it contains a low level of species diversity. Habitat functions are available for small mammals, birds, and amphibians. The wetland has been evaluated under MCMC Chapter 18.06 and is classified as a Category III wetland, requiring a 100-foot buffer. Buildings require a 10-foot building setback from buffers. The proposed development layout intrudes into the Wetland A buffer, resulting in a request for buffer averaging using the buffer averaging standards set forth in MCMC 18.06.930.C. The City's wetland consultant has reviewed the proposal for buffer averaging and has determined that the proposal is consistent with the subject standards.

A small portion (approximately 5,078 square feet) of the off-site Wetland's (B and C) buffer extends on-site in the northeast corner of the site. Wetland B is classified as a Category IV wetland, requiring a 50-foot buffer. Wetland C is a Category III wetland, requiring a 100-foot buffer. Buildings require a 10-foot building setback from buffers.

### Utilities

Utilities and services to serve the future use on the site are available. The site has water and sewer facilities adjacent to it that could be extended through the Silver Lake Water and Sewer District Developer Extension Process to provide for on-site needs. A Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated December 8, 2014, is available for review in the project file. A written comment was received from Silver Lake Water and Sewer District dated November 3, 2015 requesting that the developer construct an 8" diameter sewer dry line extension from the plat sewer line within an easement that extends to the Tri-Way Grange property located to the southwest of the proposed plat.

Electrical service will be provided by the Snohomish County PUD No. 1.

Communication services will be provided by Frontier and Comcast communication companies.

Natural gas will be provided by Puget Sound Energy.

### Stormwater Facilities

The new drainage system for the proposed development is required to meet City standards and the requirements of the February 2005 Department of Ecology Stormwater Management Manual for Western Washington with Appendix 1 of the City's Phase 2 NPDES permit (dated as effective September 1, 2012).

Runoff from the northern part of the existing site currently flows to the northeast corner of the parcel into Wetlands B and C. The southern portion of the site flows to the drainage system along Seattle Hill Road. Neither drainage basin currently receives any flow control or water quality treatment. State stormwater regulations require the site to be treated as native undisturbed forest instead of the existing configuration of a house, outbuildings and open pasture. Consequently, the proposed developed runoff rate will be less than the existing flows.

Stormwater from the proposed development will be collected and conveyed in a closed system of catch basins and pipes into two underground wet vaults, which will provide both flow control and water quality treatment. The outfall from the northern vault will be directed to Tract 998, and the southern vault will be connected to the Seattle Hill Road system, which will maintain the predeveloped drainage patterns. In addition, roof runoff from lots 15, 16 and 28 will be directed into adjacent Wetland A to help maintain the predeveloped hydroperiod.

Frontage Improvements:

The developer is required to install improvements along the Seattle Hill Road frontage in accordance with MCMC Section 16.16.050. However, due an upcoming planned road widening project by Snohomish County, these improvements will be limited to coordination of drainage facilities, as well as dedication of right-of-way and drainage easements as needed to Snohomish County on the Final Plat.

**SEPA Mitigation**

A Mitigated Determination of Non-Significance (MDNS) and Notice of Property Development Impact Mitigation was issued for the proposal on October 22, 2015 and was not appealed. The following mitigation measures were required in the MDNS and are repeated below:

**City Transportation Impacts/Mitigation:**

MCMC Chapter 16.16 requires construction of all necessary public improvements, such as the associated public roadway system, as part of a development. Chapter 10 of the Comprehensive Plan, the Transportation Element, also sets forth policies for traffic circulation and access points. In addition, City Ordinance 2011-735 requires traffic mitigation fees to be paid to mitigate development impacts on the City roadway network.

A traffic study was prepared by Gibson Traffic Consultants, dated January 2015, to assess the impacts of the proposed development. Approximately 257 net new average daily trips will be generated by the development, including 27 PM peak hour trips. Per Table 3 of the traffic study, the additional new trips will not decrease the Level of Service (LOS) at adjacent intersections below the City's minimum acceptable LOS of F in the adopted Comprehensive Plan.

As a Condition of Approval, the developer shall pay mitigation to the City of Mill Creek in the amount of \$81,000.00 for impacts to the City roadway system. These fees will be used to construct various City capital improvement projects that will improve the capacity and safety of the roadway network. Payment of traffic mitigation fees to the City is required prior to approval of the Final Plat.

**City Park Facilities – Impacts and Mitigation**

Approval of the Preliminary Plat/Planned Area Development will increase the demand upon the City's park and recreation facilities by allowing the construction of a total of 28 single-family residential dwelling units. Therefore, to mitigate the project's impacts on park and recreation facilities, mitigation fees are required for the development of neighborhood parks and community parks. Mitigation fees to offset impacts to parks and recreation facilities are calculated in accordance with Resolution 2013-503.

Mitigation Measures:

To mitigate the potential impacts of these activities, the developer shall satisfy the following conditions:

- A. Neighborhood Parks. In accordance with Resolution 2013-503, the developer shall pay \$2,863.76 per single-family dwelling x 27 dwellings = \$77,321.52 (credit shall be given for one existing single-family dwelling unit). Pursuant to Chapter 17.48 MCMC, the

developer shall pay neighborhood park mitigation fees in the amount of \$77,321.52 prior to approval of the Final Plat.

- B. Community Parks: In accordance with Resolution 2013-503, the developer shall pay \$1,738.68 per single-family dwelling x 27 dwellings = \$46,944.09 (credit shall be given for one existing single-family dwelling unit). Pursuant to Chapter 17.48 MCMC, the developer shall pay community park mitigation fees in the amount of \$46,944.09 prior to approval of the Final Plat.

The above mitigation measures are incorporated in the Conditions of Approval.

## **SUMMARY OF SEPA RESPONSES FROM OTHER AGENCIES WITH JURISDICTION:**

### Snohomish County – Traffic Impacts and Mitigation

The Reciprocal Impact Mitigation Agreement between the City of Mill Creek and Snohomish County, dated July 24, 2006, established policies and procedures for the review of development impacts on interjurisdictional transportation systems and the requirement to mitigate appropriate impacts in accordance with adopted road improvement programs. In accordance with the agreement, the project proponent is required to comply with specific measures identified by Snohomish County that are reasonably necessary to mitigate the project's impacts on directly affected County roads in the surrounding area.

Developments are subject to SCC Title 26B and are located within subarea TSA D, which has a mitigation impact fee rate of \$267 per residential ADT on County roads. Snohomish County has reviewed the traffic studies prepared by Gibson Traffic Consultants, and concurs with the analysis contained within the study. Per SCC 30.66B.330, the applicant's proportionate impact share for mitigation is \$48,040.78, based on a generation of 70 percent of 257 residential ADT's.

As a Condition of Approval, the developer shall pay mitigation to Snohomish County in the amount of \$48,040.78 for impacts to roads within the TSA D subarea. Payment of traffic mitigation fees to the County is required prior to the approval of the Final Plat.

### Fire District Mitigation and Improvements

The City of Mill Creek and Snohomish County Fire District No. 7 have executed an Interlocal Agreement for mitigation of development impacts on fire facilities/services. Mitigation fees are determined by the anticipated impact a development will have on Fire District No. 7 facilities. Based on the provisions of the agreement, the mitigation required is \$365 per equivalent development unit (EDU).

In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, the developer shall pay \$365.00 per single-family dwelling x 27 dwellings = \$9,855.00 (credit shall be given for one existing single-family dwelling unit). The project proponent shall pay mitigation fees to the City to offset impacts on fire facilities/services in the amount of \$9,855.00 prior to approval of the Final Plat.

Other plat improvements requested by the Fire District have been incorporated into the Conditions of Approval for this proposal.

Everett School District Mitigation:

The City of Mill Creek and the Everett School District have executed an Interlocal Agreement for mitigation of development impacts on district facilities. Mitigation fees are calculated per the Interlocal Agreement between the City and Everett School District.

School impact fees calculated by the Everett School District in the City of Mill Creek are the product of:

1. The number of housing units of each type.
2. The number of elementary, middle, and high school students generated by each type of housing unit (Student Generation Rate).
3. Whether the schools serving the proposed development are over capacity.
4. The cost of providing accommodations in new portable classrooms for each student, estimated as \$6,250 (\$150,000 per portable classroom divided by 24 students).

The proposed project is within the enrollment boundaries of Penny Creek Elementary School, Gateway Middle School and H.M. Jackson High School. The elementary school and high school are currently over capacity, so only those schools were used in the calculation of unhoused students generated by this development.

$$.403 \text{ (student generation rate)} \times \$6,250 = \$2,519 \times 27 \text{ single family units} = \$68,013.00$$

As a Condition of Approval, proof of payment of mitigation fees totaling \$68,013.00 to the Everett School District shall be submitted to the City prior to issuance of the first building permit.

In addition, the District has determined that students will be picked up and dropped off at the intersection of 149<sup>th</sup> Place SE and 35<sup>th</sup> Avenue SE. The District requests safe student walkways be linked to those currently established at 149<sup>th</sup> Place SE, which will be accomplished by the construction of connecting sidewalks along the new public roadway.

The above mitigation measures have been incorporated into the Conditions of Approval.

**CONSISTENCY WITH THE MILL CREEK COMPREHENSIVE PLAN:**

For a development application to be approved, the City must make a finding that the proposed development is consistent with the Land Use Map and applicable policies of the Comprehensive Plan. The proposed development has been reviewed by staff for consistency with the Comprehensive Plan. The following matrix identifies applicable policies with the City's response for the proposed project.

## COMPREHENSIVE PLAN POLICIES

POLICY	FOCUS	COMMENT
<b>LAND USE ELEMENT</b>		
<i>Land Use Map Designation</i>	The entire site is designated Low Density Residential (LDR).	The proposed single-family development is consistent with this land use designation.
<i>Policy 1.01</i>	The residential character of the City should be composed of a range of residential densities while maintaining and enhancing the City as a predominantly single-family residential community.	The proposed single-family development is consistent with this policy.
<i>Policy 1.04</i>	New residential development should be compatible with surrounding land uses in height, scale and design and be in character with the high quality of development in the City. Design guidelines and strategies such as those included in the City's Development Code (Chapter 17.34) should be incorporated into the design of new subdivisions.	The proposed single-family development is consistent with the adjacent single-family neighborhood.  As required by code and as a Condition of Approval, the proposed landscaping is required to be submitted to the City's Design Review Board to be reviewed and approved prior to Final Plat Approval for consistency with the Design Standards in MCMC Chapter 17.34.
<i>Policy 1.08</i>	Low-density residential that does not exceed four (4) units per acre shall be the predominate density in single-family residential neighborhoods. Single-family detached and attached uses are typical low-density residential housing types.	The proposed single-family development is consistent with this policy.
<i>Policy 1.12</i>	The peripheral boundaries of each residential development should contain appropriately-sized property buffers. These vegetated areas provide neighborhood and development identity; provide wildlife habitat corridors; provide pedestrian linkage to other residential developments and activity areas and protect residential areas from visual and audible disturbances. Where appropriate,	The proposal includes a 50-foot wide roadway buffer/cutting preserve along Seattle Hill Road. As required by code and as a Condition of Approval, the proposed landscaping is required to be submitted to the City's Design Review Board to be reviewed and approved prior to Final Plat Approval for consistency with the Design Standards in MCMC Chapter 17.34.

**COMPREHENSIVE PLAN POLICIES**

<b>POLICY</b>	<b>FOCUS</b>	<b>COMMENT</b>
<i>Policy 1.12 continued</i>	<p>topographic change and natural areas shall be used to separate developments and to reinforce this identity. Future residential development shall be planned and designed to accomplish an identifiable neighborhood character. Entrances to residential areas shall be clearly identifiable and aesthetically pleasing. Arterial and collector streets in residential areas shall be designed to include roadway buffers consistent with the Streetscape Element to provide consistent streetscape character with the existing developed areas of the City. Elements of neighborhood development should include preservation of environmentally sensitive areas, existing vegetation and natural grades, underground utilities, building mass in scale with lot sizes, safe and efficient pedestrian and vehicular circulation and useable open space.</p>	<p>Environmentally sensitive areas will include buffers as required by code. They will be contained in separate tracts and designated as Native Growth Protection Areas (NGPAs) on the face of the plat, and recorded on all documents of title for all affected lots or land areas, pursuant to MCMC Section 18.06.830.</p> <p>Building mass will be in proportion to the site with lot coverage and setback restrictions. The development includes safe and efficient pedestrian and vehicular circulation.</p>
<i>Policy 1.13</i>	<p>New residential developments should be designed to be compatible with similar uses and structures located within the subdivision or development as well as with adjacent developments. Compatibility should be measured in terms of structural mass, exterior building materials, landscaping and screening, vehicular and pedestrian circulation and similar restrictive covenants where appropriate.</p>	<p>The single-family use is compatible with the adjacent single-family developments. With the requested modifications, the lot sizes and setbacks are comparable to the adjacent developments, resulting in similar housing product size. Vehicle and pedestrian circulation are safe and efficient. Similar restrictive covenants will be required for maintenance of common areas.</p>
<b><i>CAPITAL FACILITIES ELEMENT</i></b>		
<i>Policy 2.04</i>	<p>The City shall require, as a condition of development approval, stormwater management facilities that incorporate treatment components such as settling ponds, biofiltration, oil/water separation and other acceptable techniques, along with specific maintenance and</p>	<p>The project shall incorporate stormwater management facilities that comply with the DOE Stormwater Manual for Western Washington and City requirements.</p>

## COMPREHENSIVE PLAN POLICIES

POLICY	FOCUS	COMMENT
	management programs consistent with the current Department of Ecology Stormwater Manual for Western Washington.	
<b><i>UTILITIES ELEMENT</i></b>		
<i>Policy 1.01</i>	Urban development shall only be approved in those areas where services are available.	Utility services for water, sewer, telephones, gas, and power are available to serve the site.
<i>Policy 1.10</i>	Where possible, all new utility facilities shall be located underground.	As required by code and as a Condition of Approval, all new utilities shall be located underground.
<b><i>TRANSPORTATION ELEMENT</i></b>		
<i>Policy 2.02</i>	Pursuant to the GMA, projects shall not be approved that reduce the Level of Service below established standards.	The City Engineer has determined that the project does not reduce Levels of Service below established standards.
<i>Policy 3.06</i>	To improve traffic flow and reduce potential vehicular conflicts on arterial and collector streets, new development shall utilize shared access and provide for internal circulation when practical and appropriate.	Access to the proposed development will be via an existing road stub-out located on the east side of 35 <sup>th</sup> Avenue SE at 149 <sup>th</sup> Place SE. The plat will not have direct vehicular access off of Seattle Hill Road.
<i>Policy 4.01</i>	Public sidewalks are required to be connected with other public/private trail systems where appropriate. On arterial roads, sidewalks should be consistent with the Streetscape Element of the Comprehensive Plan.	Proposed sidewalks will be connected to the existing sidewalks, where appropriate.
<b><i>ENVIRONMENTAL ELEMENT</i></b>		
<i>Policy 1.01</i>	Land developments should be encouraged to use low impact development (LID) techniques to minimize the amount of impervious surface dedicated to streets, driveways and roofs. Use of these techniques will help reduce the amount of stormwater runoff and provide greater protection of surface and groundwater	The proposed stormwater facilities are required to meet the DOE Stormwater Management Manual.

## COMPREHENSIVE PLAN POLICIES

POLICY	FOCUS	COMMENT
	resources. Stormwater facilities should be incorporated into new developments that meet the requirements of the current Department of Ecology Stormwater Management Manual.	
<i>Policy 1.02</i>	Land developments shall include stormwater facilities that meet or exceed the requirements of the current DOE Stormwater Management Manual.	The proposed stormwater system is required to meet the current requirements of the DOE Stormwater Management Manual.
<i>Policy 2.03</i>	Buffer widths for streams and wetlands shall be the minimum width necessary to protect the integrity, function and value of the resource and shall be based upon Best Available Science rules adopted by the state of Washington.	Buffers have been provided for both the on and off-site wetlands, as required by code.
<i>Policy 2.05</i>	Streams, wetlands and their associated buffers shall be protected in perpetuity through the use of tracts, conservation easements or other means to achieve permanent protection.	Wetlands and their buffers have been placed in NGPA tracts.
<i>Policy 2.06</i>	Wetlands and other watercourses on development site plans and City Critical Areas Maps shall be clearly identified.	The proposed plat clearly identifies the wetlands and their associated buffers, which will be contained in separate tracts and designated as Native Growth Protection Areas (NGPAs) on the face of the plat and recorded on all documents of title for all affected lots or land areas.
<i>Policy 4.01</i>	Clearing and grading shall minimize erosion/sedimentation into streams and wetlands. Temporary and permanent erosion control measures are required.	As required by code and as a Condition of Approval, an erosion control plan is required to be approved by the City prior to construction.
<i>Policy 5.01</i>	The City's image is characterized by an abundance of natural vegetation indigenous to the northwest. As additional development occurs, landscaping that emphasizes the use of native plant materials (including drought tolerant species), provides a unified design element, achieves compatibility	As required by code and as a Condition of Approval, the proposed landscaping of the common areas, roadway buffer, and street trees shall be reviewed and approved by the Design Review Board.

COMPREHENSIVE PLAN POLICIES		
POLICY	FOCUS	COMMENT
	between varied uses is highly encouraged. Wooded areas should be preserved, wherever possible, to ensure adequate habitat for wildlife.	

**CONSISTENCY WITH DEVELOPMENT REGULATIONS:**

The following matrix evaluates the proposed project with the applicable development regulations.

DEVELOPMENT REGULATIONS	
CODE SECTION	STAFF ANALYSIS
<p><b>16.16.005 Public Improvements.</b> No plat, Binding Site Plan, short plat, or other development approval shall be granted without, as a Condition of Approval, making appropriate provisions for public improvements as elsewhere permitted or required by this code or state law.</p>	As a Condition of Approval the project is required to install public improvements associated with this project.
<p><b>Low Density Residential (LDR) Zone 17.06.035 Review requirements.</b> All development in the LDR zone district shall be processed as either a preliminary plat or binding site plan in accordance with MCMC Title <a href="#">16</a>, Subdivisions and Plats.</p>	The proposal is being processed as a preliminary plat in accordance with MCMC Title 16.
<p><b>17.06.040 Minimum lot size.</b> The minimum lot size in the LDR zone is 8,400 square feet.</p>	The applicant has requested a reduction in lot size pursuant to MCMC Section 16.12.040, Permitted Modifications. Staff supports the request. See discussion under Requested Modifications, Page 5.

<p><b>17.06.050 Setbacks.</b></p> <ul style="list-style-type: none"> <li>• Front yard setback of 20 feet. Corner lots (i.e., lots that abut a street or access tract on two contiguous sides) are considered to have two front yards; and</li> <li>• Side yard setback of 20 feet total, with no side yard less than 5 feet;</li> <li>• Rear yard setback of 20 feet.</li> </ul>	<p>A modification to the minimum setbacks has been requested as follows:</p> <p>Front yard setbacks:</p> <ul style="list-style-type: none"> <li>• 20 feet for the garage side of the lot and 10 feet on the non-garage side of corner lots.</li> </ul> <p>Rear yard setbacks:</p> <ul style="list-style-type: none"> <li>• 10 feet for Lots 1 and 2; 15 feet for Lots 3-28</li> </ul> <p>Side yard setbacks:</p> <ul style="list-style-type: none"> <li>• 10 feet total; no side less than 5 feet</li> </ul> <p>Staff supports the request. See discussion under Requested Modifications, Page 6.</p>
<p><b>17.06.055 Density.</b> The maximum allowable density is four dwelling units per gross acre consistent with the provisions of MCMC 16.12.050 and the requirements of the Growth Management Act.</p>	<p>The proposal must be consistent with the maximum density of both the Comprehensive Plan and the Development Regulations.</p> <ul style="list-style-type: none"> <li>• Using the <i>gross</i> site area of 310,617 square feet multiplied by 4 dwelling units per acre, up to 28.5 dwelling units are allowed.</li> <li>• Using the <i>net</i> site area of 249,703 square feet (<i>less dedication of 20% unbuildable land</i>) divided by the minimum lot size of the zone district (8,400 square feet), up to 29 dwelling units are allowed.</li> </ul> <p>With 28 dwelling units proposed at a density of 4 dwelling units per acre, the development is consistent with both the Comprehensive Plan and the Development Regulations density requirements.</p>
<p><b>17.06.060 Maximum height.</b> The maximum height shall be 35 feet.</p>	<p>The proposed houses are to be a maximum of 35 feet high, which is consistent with this requirement.</p>
<p><b>17.06.070 Maximum lot coverage.</b> The maximum lot coverage shall be 35 percent.</p>	<p>The proposed lots will be consistent with the maximum lot coverage of 35 percent.</p>
<p><b>17.06.080 Project Design.</b> Development within this zone district shall be designed in conformance with the design principles and standards set out in 17.34 MCMC, Design Review.</p>	<p>See discussion below regarding consistency with MCMC Chapter 17.34.</p>
<p><b>17.22.020 Landscaping.</b> All lots and developments shall be generously landscaped, consistent with the natural environment of Mill Creek and appropriate to the planned use. Retention and enhancement of natural landscaping is encouraged. Landscaping design objectives and standards are contained in Chapter 17.34.</p>	<p>The proposed lots will be consistent with this requirement.</p>

**17.22.060 Required open space.**

On-site open space and recreational facilities are required in an amount adequate to meet the recreational, health, environmental and safety needs of the residents, occupants, guests and visitors of the development. That determination shall be made in accordance with the following standards and criteria:

- A. The amount of open space and type of recreational facilities shall meet the specific needs of the residents, guests and visitors.
- B. The amount of open space and recreational facilities should be proportional to the density of the development (i.e., as density increases and/or as lots become smaller, there is a greater need for common open space available to all of the residents, guests and visitors to the development). In multifamily developments without individual yards, total common open space should be equivalent to 250 square feet per dwelling unit. Single-family developments located more than one-quarter of a mile from a public park shall provide mini-parks and/or open space proportional to serve the density of the development and the need of the local residents.
- C. The amount of open space and recreational facilities should meet the purpose and intent of the zone district in which the development is located.
- D. The open space and recreational facilities should be readily accessible to all dwelling units in the development.
- E. The open space and recreational facilities shall be appropriately screened from parking areas.
- F. The length of the open space area shall be no more than twice the width.
- G. The open space area may be located in any required setback area, except street setbacks, so long as the uses thereof are compatible and permissible.
- H. The open space shall not have more than five percent grade.

The proposal is consistent with this requirement. The proposal provides approximately 15,000 square feet of common open space and 88,000 square feet of wetland and/or buffer native growth protection area and tree retention/preservation area. Tract 999 will be a storm drainage and open space area, which will include a play structure, picnic table and benches.

Therefore, the project provides the required open space.

<p><b>17.22.110 Undergrounding of utilities.</b></p> <p>A. For any private development that includes new construction typically associated with a Binding Site Plan, plat, short plat, or a conditional use permit subject to the provisions of the development code, the developer shall place underground all new and existing wiring and related facilities for all utilities, including but not limited to electrical, cable television and communication, unless otherwise provided in this section.</p>	<p>As a Condition of Approval all utilities will be constructed underground consistent with this requirement.</p>
<p><b>17.22.120 Comprehensive plan – Concurrency and consistency required.</b></p> <p>All new developments within the city shall be consistent with the provisions of the comprehensive plan, including but not limited to the following:</p> <p>A. All developments within the city shall be consistent with the land use plan map as adopted in the land use element of the comprehensive plan.</p> <p>B. All developments within the city shall be consistent with the applicable goals and policies of the comprehensive plan.</p> <p>C. Developments shall not cause a reduction in the level of service for transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan and capital facilities plan, unless improvements or strategies to accommodate the impacts of the development are made concurrent with the development.</p> <p>D. Site design and frontage improvements shall be consistent with the streetscape plans as established in the streetscape element of the comprehensive plan.</p>	<p>The preliminary plat and associated documents are consistent with these requirements as follows:</p> <p>A. The proposed single-family neighborhood is consistent with the Low Density Residential land use designation.</p> <p>B. An analysis of the project’s consistency with the Comprehensive Plan Policies has been provided in the staff report.</p> <p>C. The project does not cause a reduction in transportation or neighborhood parks level of service below minimum standards. Mitigation for transportation and neighborhood park facilities is being provided.</p> <p>D. The project provides site design and frontage improvements consistent with the streetscape policies established in the Streetscape Element of the Comprehensive Plan. A 50 foot wide roadway buffer is provided along Seattle Hill Road.</p>
<p><b>17.34.040 A. Site Design.</b> The following design elements shall be applied to all projects:</p> <p>1. Site Design Layout.</p> <p>a. Sites shall be developed in a coordinated manner to complement the natural topography and drainage, and adjacent structures through building</p>	<p>The proposed preliminary plat has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> <li>• Providing private open space areas.</li> <li>• Providing vehicular and pedestrian connections to adjacent sites.</li> <li>• Designing a stormwater vault to be located under an open space area to maximize land use.</li> </ul>

<p>placement, architecture and size/mass.</p> <p>b. Whenever possible, buildings on the same site shall be designed to enhance safe and convenient pedestrian access between buildings including plazas, courtyards, pocket parks, and other pedestrian use areas connected by clearly marked walkways.</p> <p>c. Where appropriate, sites shall incorporate transit-compatible designs. “Transit compatibility” means designs that are pedestrian oriented, provide safe and convenient access to transit facilities, and foster efficient transit service.</p> <p>d. Where appropriate, sites shall be designed to provide vehicular and pedestrian connections to adjacent sites.</p> <p>e. Private open space shall be incorporated into attached single-family and multifamily residential projects in accordance with MCMC 17.22.060.</p> <p>f. The use of LID best management practices is encouraged whenever site and soil conditions make it feasible. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.</p>	
<p><b>17.34.040 A. Site Design Cont’d.</b> The following design elements shall be applied to all projects:</p> <p>3. Tree Preservation.</p> <p>a. Project design shall maximize the preservation of existing significant tree stands and significant individual trees, especially on slopes, street frontages, and on the perimeter of the site.</p> <p>b. Project design shall incorporate existing natural vegetation into the site design wherever possible.</p> <p>c. Trees that are to be preserved shall be subject to the standards established in MCMC 15.10.045 and penalties established in MCMC 15.10.075.</p>	<p>The proposed preliminary plat has been designed to be consistent with these requirements.</p> <p>The proposal preserves approximately 35-40 significant trees within Tract 998 (the wetland, NGPA and tree retention tract), which will protect a stand of trees that is an asset to the surrounding community and also retain the natural understory vegetation.</p>

<p><b>17.34.040 A. Site Design Cont'd.</b> The following design elements shall be applied to all projects:</p> <p>4. Storm Drainage.</p> <p>a. Open stormwater facilities (i.e., ponds and bioswales) visible from public areas shall be designed as site amenities and shall provide a natural appearance through layout, design, and landscape treatment. If fencing is determined to be necessary by the city, it shall be installed in accordance with MCMC 17.22.040 and public works policies, and be obscured with landscaping.</p> <p>b. Stormwater facilities (whether open facilities or vaults) shall be located outside roadway buffers/cutting preserves unless there is no other feasible alternative and the facilities do not compromise the purpose and function of the roadway buffer/cutting preserve. In such cases, the facility may only be located in the outer portion of the roadway buffer/cutting preserve.</p> <p>c. Where located under areas to be landscaped, underground stormwater vaults shall have a minimum soil cover of three feet. The soil shall be of sufficient quality to properly support vegetation.</p> <p>d. Stormwater bioretention, biofiltration, and bioinfiltration swales that are integrated into interior landscape areas within parking lots, and that meet area and landscaping requirements may be counted toward the interior parking lot landscape requirements.</p>	<p>The proposed preliminary plat has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> <li>• Designing the stormwater vault to be located under an open space area to maximize land use.</li> <li>• Landscaping to be planted above the stormwater vaults will be designed to comply with City requirements.</li> </ul>
<p><b>17.34.040 A. Site Design Cont'd.</b> The following design elements shall be applied to all projects:</p> <p>5. Vehicular Entrances.</p> <p>a. Vehicular entrances shall be designed to welcome residents, customers, and visitors. Gated entrances on public right-of-way are prohibited. Gated entrances on private roads are strongly discouraged.</p> <p>b. At the primary vehicle access point(s) to a site, signage identifying the address should be clearly visible from the street and the entrance shall be highlighted with</p>	<p>The proposed preliminary plat has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> <li>• Providing landscaping in the roadway buffer tract.</li> </ul>

<p>elements such as:</p> <ul style="list-style-type: none"> <li>i. Freestanding development identification sign;</li> <li>ii. Ornamental entrance features;</li> <li>iii. Water feature(s);</li> <li>iv. Identifying architectural features such as arbors or trellises;</li> <li>v. Functional, accent lighting;</li> <li>vi. Artwork;</li> <li>vii. Landscape treatment with seasonal color (such as annuals or flowering trees), including planter boxes or pots;</li> <li>viii. Decorative or textured pavement.</li> </ul>	
<p><b>17.34.040 A. Site Design, Cont'd.</b> The following design elements shall be applied to all projects:</p> <p>6. Sidewalks, Trails, and Pedestrian Walkways.</p> <ul style="list-style-type: none"> <li>a. A comprehensive system of pedestrian walkways shall link together all site entrances, building entries, parking facilities, and common outdoor spaces with the sidewalk system in the public right-of-way.</li> <li>b. Sidewalks and trails shall be meandering and continuous between developments, and shall also conform to ADA and building code requirements for pedestrian safety, where appropriate.</li> <li>c. Pedestrian walkways shall incorporate pedestrian-scale lighting, bollard lighting, landscaping, accent lighting, and directional signage into the design of the walkways.</li> <li>d. Site furnishings adjacent to sidewalks/paths such as pedestrian kiosks, benches, newspaper stands, decorative banners, trash receptacles, bus shelters, hanging flower baskets, and planting pots shall be made of durable, weather-resistant, vandal-resistant materials.</li> </ul>	<p>The proposed preliminary plat has been designed to be consistent with these requirements by:</p> <ul style="list-style-type: none"> <li>• Connecting walkways to the adjacent neighborhoods to provide access to and through the site.</li> <li>• Providing walkways which will be ADA compliant.</li> </ul>

## **PART V—STAFF RECOMMENDATION**

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat/Planned Area Development subject to the following suggested Conditions of Approval:

#### **Preliminary Plat:**

1. Development shall occur as portrayed on the Preliminary Plat Map, except as may be modified by the Hearing Examiner following the open record hearing, per MCMC Chapter 4.34.
2. Minimum lot size and building setbacks on the lots shall be as follows:  
  
Minimum lot size: 4,175 square feet  
  
Front yard setbacks:
  - 20 feet for the garage side of the lot and 10 feet on the non-garage side of corner lots.  
Rear yard setbacks:
  - 10 feet for Lots 1 and 2;
  - 15 feet for Lots 3-28  
Side yard setbacks:
  - Total of 10 feet; no side less than 5 feet.
3. All utility, stormwater, drainage, maintenance, and landscaping buffers/easements, together with attendant restrictions and conditions, shall be portrayed on the final plat. Building setback lines shall be shown on the face of the final plat.
4. In accordance with MCMC Section 16.04.100, the Preliminary Plat approval shall expire and become void if the final plat is not submitted for approval in accordance with the time frames set forth in RCW 58.17.140.
5. The subdivision shall be incorporated into a homeowners association which will be responsible for the maintenance of all privately owned common areas and facilities. Homeowners association documents in accordance with MCMC Section 16.12.100 shall be submitted with the final plat application and recorded at the time of final plat recording.
6. The developer may assign its rights and obligations under this development approval upon prior written notice to the City identifying the new entity and evidencing the transfer of obligations to the new entity.

**Landscaping:**

7. Landscaping plans for Tracts 996, 997, and 999 and the street trees shall be submitted to the Design Review Board for review and approval in accordance with MCMC Chapters 4.18 and 17.34.
8. The developer shall provide a secured landscape performance bond equal to 125 percent of the cost of installation (labor and materials), in accordance with MCMC Section 16.16.040. Said bond shall be posted prior to the issuance of the first building permit.
9. Once the developer has fulfilled the obligations of the landscape performance bond, the applicant shall enter into a two-year maintenance agreement for the approved and installed landscaping in accordance with MCMC Section 16.16.090.

**Protection of Critical Areas:**

10. A final critical areas report/wetland buffer mitigation plan shall be prepared in compliance with MCMC Chapter 18.06 and submitted to the City prior to approval of the civil engineering plans.
11. The wetlands and buffers shall be contained in separate tracts and shall be designated as Native Growth Protection Areas (NGPAs) on the face of the plat, and shall be recorded on all documents of title for all affected lots or land areas, pursuant to MCMC Section 18.06.830. Tract restrictions shall include:
  - a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
  - b. The right of the City to enforce the terms of the restrictions.
12. The edge of the wetland buffers shall be clearly staked and flagged. Site clearing shall not commence until the applicant has submitted written notice to the Department of Community and Economic Development that the buffer requirements of MCMC Sections 18.06.810 and 18.06.930 (E) have been met.
13. Prior to final plat approval, the boundary at the edge of the NGPAs shall be identified with permanent signs or markers every 100 feet to clearly indicate the location of the NGPA buffers, pursuant to MCMC Section 18.06.810.
14. The developer shall provide a secured wetland mitigation bond with the City equal to 125 percent of the cost of installation (labor and materials) for implementation of the Final Wetland Buffer Mitigation Plan. Said bond shall be posted prior to issuance of the first building permit.

15. A restriction shall be shown on the face of the Final Plat preserving all trees in Tracts 994, 996, and 998 and to the extent feasible in Tracts 997 and 999.
16. Pursuant to MCMC Section 15.10.045.A, barrier fencing shall be placed around the drip lines of the trees to be retained (including the wetland buffer) prior to commencing clearing and grading, and be maintained until construction is completed.
17. In accordance with MCMC Section 15.10.075.B, where trees designated to be retained are damaged, destroyed or removed during the construction of the proposed improvements, a penalty in the amount of \$1,000 may be assessed for each tree, and each tree shall be replaced at a 3:1 ratio.

**Engineering and Site Work:**

18. Grading, roadway, stormwater, and erosion control plans shall be approved by the City Engineer and Director of Community and Economic Development prior to any clearing or grading work on the site, MCMC Chapter 15.12.
19. All public improvement work shall be adequately guaranteed through an agreement and security mechanism acceptable to the City Attorney and City Engineer prior to beginning construction in accordance with MCMC Chapters 16.16 and 16.20.
20. The developer shall construct a new public roadway within the development for access to the proposed lots from the existing roadway stub on 149<sup>th</sup> Place SE. These public improvements shall consist of: (i) Full width of the street and sidewalk cross section with functional elements in accordance with Resolution 2003-338, including vertical concrete curb and gutter, parking on one side only, a five-foot wide concrete sidewalk connecting to the existing on 149<sup>th</sup> Place SE; and five-foot wide planter strip; (ii) Street lighting through Snohomish County PUD No. 1; (iv) Stormwater and drainage facilities; (v) Street trees and landscaping; (vi) Striping and signage; (vii) Dedication of public right-of-way and drainage easements as needed to the City of Mill Creek and Snohomish County on the Final Plat.
21. The developer shall submit engineering design plans and documentation to address all required public and private drainage improvements. The approved stormwater system shall include the following elements and conditions per MCMC Chapter 15.14:
  - A. The applicant shall coordinate the design and construction of the stormwater system along Seattle Hill Road with Snohomish County Public Works for their future road improvement project.
  - B. Stormwater facilities that meet the requirements of the City of Mill Creek, the February 2005 edition of the Washington State Department of Ecology Stormwater Management Manual for Western Washington, and Appendix 1 of the City's Phase 2 NPDES Permit (dated as effective September 1, 2012).

- C. A final stormwater drainage report signed and stamped by a licensed professional engineer shall be submitted to the City Engineer for review and approval.
  - D. The property owners shall be obligated to own, maintain and operate the stormwater system outside the public right-of-way to the satisfaction of the City Engineer.
  - E. Provisions shall be included with the Final Plat for maintenance of the stormwater system outside the public right-of-way, including, but not limited to, adequate access to maintenance locations, provisions and easements that allow the City to inspect and maintain the system at its discretion, and adequate provisions to ensure uninterrupted function of the facilities for the proposed development.
22. Dust and erosion shall be controlled by promptly covering exposed stockpiles, watering areas of soil disturbance, using a street sweeper on adjacent roads, and other Best Management Practices as directed by the City Engineer, MCMC Chapter 15.12.
23. All new and existing utilities within the project shall be placed underground in accordance with MCMC Section 17.22.110. The applicant shall be responsible for all costs associated with undergrounding the utilities. Appropriate easements or right-of-way for all utilities shall be provided by the applicant and shown on the face of the Final Plat.
24. The developer shall install a mailbox structure and covered stand for the proposed development in accordance with City standards. The location of the mailboxes shall be approved in writing by both the City and Post Office prior to installation.

**SEPA Mitigation:**

25. The developer shall pay mitigation to the City of Mill Creek in the amount of \$81,000.00 for impacts to the City roadway system. Payment of traffic mitigation fees to the City of Mill Creek is required prior to approval of the Final Plat.
26. In accordance with the Reciprocal Impact Mitigation Agreement between the City of Mill Creek and Snohomish County, proof of payment of traffic mitigation fees to Snohomish County totaling \$48,040.78 shall be provided to the City prior to approval of the Final Plat.
27. Pursuant to Chapter 17.48 MCMC, the developer shall pay neighborhood park mitigation fees to the City of Mill Creek in the amount of \$77,321.52 prior to approval of the Final Plat.
28. Pursuant to Chapter 17.48 MCMC, the developer shall pay community park mitigation fees to the City of Mill Creek in the amount of \$46,944.09 prior to approval of the Final Plat.

29. In accordance with the Interlocal Agreement between the City of Mill Creek and Snohomish County Fire District No. 7, the developer shall pay fire mitigation fees to the City of Mill Creek in the amount of \$9,855.00 prior to approval of the Final Plat.
30. In accordance with the Interlocal Agreement between the City of Mill Creek and the Everett School District, proof of payment of mitigation fees totaling \$68,013.00 shall be provided to the City prior to issuance of the first building permit.

**Public Services:**

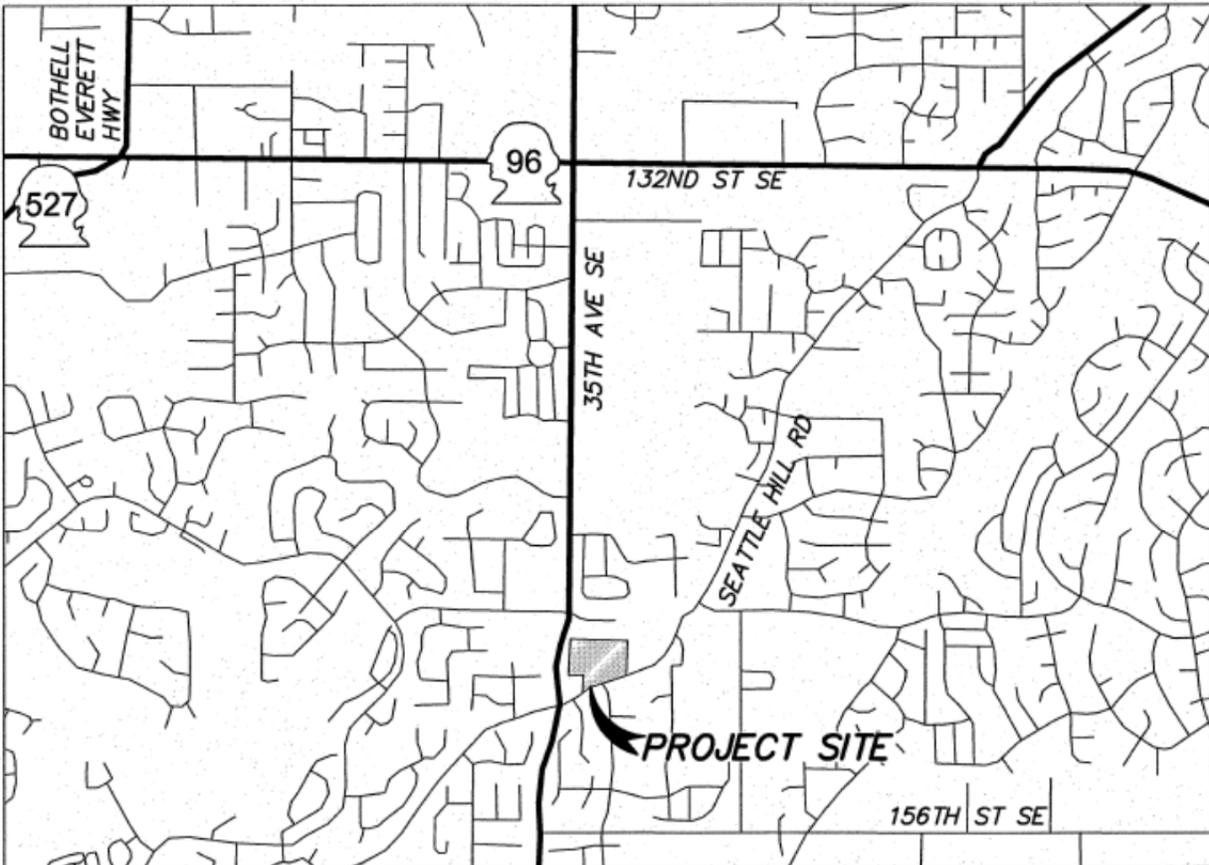
31. The developer shall ensure adequate fire flow/hydrants and 4” STORTZ adaptors on all hydrants.
32. The developer shall ensure floor plans that allow for secondary egress (windows) from rooms on either the front or rear of the structure.
33. The developer shall ensure parking is only allowed on one side of the road and is clearly marked with signage.
34. Parking shall be prohibited on the road corners, in the cul-de-sac, and in Tract 995, the 20 foot wide shared driveway tract for Lots 14-18. Curbs shall be clearly marked and “No Parking” signage shall be installed prior to Final Plat approval.
35. The following improvements shall be installed for the Silver Lake Water and Sewer District: (i) The developer shall construct a dry 8” diameter sewer extension line with a minimum slope of 1% from the plat sewer line between lots 15 and 16 to the Tri-Way Grange property located to the southwest of the proposed plat; (ii) The developer shall construct sewer mains to connect to the existing sewer line along the eastern side of the property; (iii) The developer shall construct a new water main to connect to the existing water main in Seattle Hill Road; and (iv) The developer shall grant appropriate 15-foot wide water and sewer easements on the face of the Final Plat after confirming the locations with Silver Lake Water and Sewer District.

Attachments: Attachment A – Vicinity Map  
Attachment B – Preliminary Plat Map  
Attachment C – Legal Description  
Attachment D – List of Project File Contents

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**ATTACHMENT A**

**VICINITY MAP**



**VICINITY MAP**

SCALE 1"=2,500'



# ATTACHMENT B

## PRELIMINARY PLAT MAP



**ATTACHMENT C**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION:**

*THE SOUTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 4 AND THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF GOVERNMENT LOT 4, LYING NORTH OF COUNTY ROAD IN SECTION 4, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.;*

*EXCEPT THAT PORTION THEREOF CONVEYED TO SCHOOL DISTRICT NO. 28 BY DEED RECORDED FEBRUARY 24, 1928 UNDER RECORDING NO. 421063 AND RECORDED IN VOLUME 240 OF DEEDS AT PAGE 344, DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 00°23' EAST ALONG THE WEST LINE OF SAID SECTION, 1,061.49 FEET TO AN INTERSECTION WITH THE CENTERLINE OF THE COUNTY ROAD AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 54°37' EAST ALONG THE CENTERLINE OF SAID ROAD, 216.85 FEET; THENCE NORTH 00°23' WEST, PARALLEL WITH THE WEST LINE OF SAID SECTION 4 A DISTANCE OF 182.79 FEET; THENCE SOUTH 89°37' WEST, 178.0 FEET TO THE SECTION LINE; THENCE SOUTH 00°23' EAST ALONG SAID SECTION LINE 306.85 FEET TO THE POINT OF BEGINNING;*

*EXCEPT SAID COUNTY ROAD; ALSO EXCEPT THAT PORTION CONVEYED TO COUNTY OF SNOHOMISH BY DEED RECORDED FEBRUARY 20, 2009 UNDER RECORDING NO. 200902200512.  
SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.*

**ATTACHMENT D****CONTENTS OF PROJECT FILE****HARMS ESTATE PRELIMINARY PLAT (PP 15-67)**

The following documents will be officially entered into the record at the Hearing Examiner Public Hearing on November 16, 2015. The staff report was posted on the City of Mill Creek website on November 5, 2015. All other documents are available for review in the project file at City Hall, 15728 Main Street, Mill Creek.

<b>Exhibit</b>	
<b>1</b>	Staff Report to the Hearing Examiner dated November 16, 2015. a) Vicinity Map (Attachment A to the staff report) b) Preliminary Plat Map (Attachment B to the staff report) c) Legal Description (Attachment C to the staff report) d) Contents of Project File (Attachment D to the staff report)
<b>2</b>	Master Land Use Permit Application submitted February 5, 2015.
<b>3</b>	Project Narrative letter from D.R. Strong Consulting Engineers, submitted February 25, 2015
<b>4</b>	Legal Description and Plat Certificate dated January 23, 2015
<b>5</b>	Water and Sewer Availability Letter from Silver Lake Water and Sewer District dated December 8, 2015
<b>6</b>	Traffic Mitigation Offer to Snohomish County, signed and submitted February 12, 2015
<b>7</b>	Letter of Completeness – issued March 5, 2015
<b>8</b>	Notice of Development Application posted on-site March 12, 2015 and Affidavit of Publishing, Posting and Mailing
<b>9</b>	Technical Review Committee Comment Letter issued on April 6, 2015, with attachments: a) ESA comment memo, dated April 2, 2015 b) City of Mill Creek Engineering Division comment memo, dated March 26, 2015 c) Silver Lake Water and Sewer District comment memo, dated March 25, 2015 d) Letter from Everett School District, dated March 25, 2015 e) Snohomish County record of Developer Obligations for Mitigation of Impacts to the County Road System, dated March 10, 2015

<b>10</b>	Gibson Traffic Consultants Traffic Impact Analysis, submitted February 5, 2015
<b>11</b>	D.R. Strong Full Drainage Report, submitted November 3, 2015
<b>12</b>	Soundview Consultants Wetland Delineation and Fish and Wildlife Habitat Assessment Report, dated June 2015
<b>13</b>	Preliminary Civil Plans, submitted October 6, 2015
<b>14</b>	Preliminary Plat Map, submitted October 6, 2015
<b>15</b>	Preliminary Landscape Plan Set, submitted October 12, 2015
<b>16</b>	Boundary and Topographic Survey dated January 16, 2015
<b>17</b>	Geotechnical Engineering Study by Earth Solutions NW, LLC, dated January 15, 2015
<b>18</b>	MDNS and Notice of Property Development Impact Mitigation for the Preliminary Plat/Planned Area Development of Harms Estate (City File PP 15-67), with attached checklist, dated October 22, 2015.
<b>19</b>	Affidavit of Publishing, Posting and Mailing for Public Hearing Notice
<b>20</b>	Staff's PowerPoint Presentation
<b>21</b>	
<b>22</b>	

**Yellow Highlight Indicates Exhibits Submitted during the Public Hearing**